

FILED

AUG 24 2007

Phil Lombardi, Clerk
U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

JASON V. FELT, an individual,

Plaintiff,

v.

**CAVALRY PORTFOLIO SERVICES, LLC.,
a foreign corporation,**

Defendant.

07 CV - 461 CVE - PJC

CASE NO.

JURY TRIAL DEMANDED

**ATTORNEYS LIEN CLAIMED
FOR THE FIRM**

COMPLAINT

Comes now the Plaintiff, Jason V. Felt, by and through his attorneys of record, David R. Blades of Armstrong & Lowe, P.C., and for his cause of action shows the Court as follows:

JURISDICTION

This Court has jurisdiction as a result of a federal question pursuant to 28 U.S.C. § 1331, namely a violation of 28 U.S.C. § 1161, *et seq.*

STATEMENT OF THE CASE

1. At all relevant times, the Plaintiff was a resident of Tulsa County and was employee by the Defendant, Cavalry Portfolio Services, LLC.

2. At all relevant times, the Defendant was an entity doing business in Tulsa County providing debt collection services.

3. That the Plaintiff began working for the Defendant on or about January 23, 2006, as a collector.

4. The Plaintiff was terminated on March 9, 2007.

5. At all relevant times, the Defendant's actions were intentional or done with reckless disregard for the Plaintiff's rights.

*(Fees 20
5/2)*

COUNT I
FAILURE TO PROVIDE COBRA ELECTION NOTICES
IN VIOLATION OF 29 U.S.C. § 1161, et seq

6. Plaintiff incorporates paragraphs 1-5 above as if fully set herein and further alleges as follows:

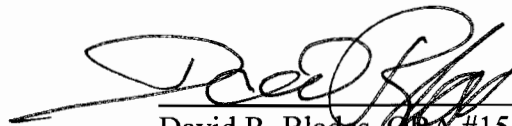
7. Defendants failed to provide Plaintiff with his COBRA election notice in violation of 29 U.S.C. § 1161, *et seq.* within the time frame established by COBRA.

8. Defendant's failure to abide by the express statutorily imposed duty to notify Plaintiff of his rights under COBRA gives rise to the penalty provisions codified in Section 502(c)(1) of ERISA for their failure to provide the requisite COBRA election notices.

9. Defendant is also liable for compensatory damages to compensate Plaintiff for the prejudice and harm he endured as a result of the Defendant's failure to provide COBRA notice in a timely manner.

WHEREFORE the Plaintiff prays for judgment against the Defendant for damages as allowed in 29 U.S.C. § 1161; for compensatory damages; actual damages; punitive damages; and the costs of the action, including a reasonable attorney's fee and other relief the Court deems just and equitable.

Respectfully submitted,



David R. Blades, OBA #15187
ARMSTRONG & LOWE, P.C.
1401 South Cheyenne
Tulsa, Oklahoma 74119
(918) 582-2500 Telephone
(918) 583-1755 Fax
email: dblades@armstronglowe.com
ATTORNEYS FOR PLAINTIFF